

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ADMA SPAK and TRACY LEUTHAUSER

Plaintiffs,

v.

RITURANI, KS MAJHA TRANS, LLC, a
California Limited Liability Company, and
SIKHANDAR SINGH, Individually and as the
Sole Manager of KS Majha Trans, LLC

Defendants.

**NOTICE OF REMOVAL TO THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO**

COME NOW the Defendants, K S Majha Tran, LLC (hereafter “Majha”) and Sikhandar Singh (collectively “Defendants”), by and through their attorneys of record, YLAW, P.C., and file this Notice of Removal, pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441, for the removal of this action from the Eighth Judicial District Court, County of Taos, State of New Mexico, to the United States District Court for the District of New Mexico on the following grounds:

1. Plaintiffs filed their civil action against Defendants in the Eighth Judicial District Court, County of Taos, State of New Mexico. Pursuant to D.N.M. LR-CIV 81.1, a copy of Plaintiffs’ Complaint for Personal Injuries is attached hereto as **Exhibit A**.

2. Plaintiff Adam Spak is a citizen and resident of the state of New Mexico. *Id.*, ¶ 1.

3. Plaintiff Tracy Leuthauser is a citizen and resident of the state of New Mexico. *Id.*, ¶ 1.

4. Upon information and belief, Defendant Ritu Rani is a citizen and resident of the state of California. *Id.*, ¶ 4.

5. Defendant Sikandar Singh is a citizen and resident of the state of California. *Id.* ¶ 3.

6. K S Majha Trans, LLC is a California Limited Liability Company with its principal place of business in California. *Id.*, ¶ 3, and Corporate Disclosure Statement, filed concurrently. As a limited liability company, K S Majha Trans, LLC's "citizenship is determined by reference to the citizenship of each and every one of its members." *Siloam Springs Hotel, L.L.C. v. Century Sur. Co.*, 781 F.3d 1233, 1235-36 (10th Cir. 2015).

7. K S Majha Trans, LLC is wholly owned by Sikandar Sing, who is a citizen and resident of the State of California.

8. As a result, for purposes of 28 U.S.C. 1332(a), there is complete diversity of citizenship between Plaintiffs and Defendants.

9. Plaintiffs' Complaint does not allege the amount of damages incurred or the amount in controversy. *See* Ex. A.

10. By correspondence dated March 25, 2021 from Plaintiffs' counsel, it is clear the amount in controversy exceeds the jurisdictional limit of \$75,000.00.

11. The settlement demand letters sent on behalf of Plaintiffs shows the amount in controversy for Plaintiff Adam Spak's claims exceed the jurisdictional threshold of \$75,000.00 and the amount in controversy for Plaintiff Tracy Leuthauser's claims exceed the jurisdiction threshold of \$75,000.00. *See McPhail v. Deere & Co.*, 529 F.3d 947, 954 (10th Cir. 2008) (finding that a defendant may meet its burden of proof by a preponderance of the evidence that the amount in controversy exceeds \$75,000.00 by looking at a plaintiff's settlement demand).

12. Although Defendants do not admit that Plaintiffs have been damaged in any amount as the result of any acts or omissions of Defendants, the amount in controversy exceeds \$75,000.00 for each Plaintiff.

13. Plaintiffs' Complaint is a civil action over which this Court has jurisdiction pursuant to 28 U.S.C. §1332 and which is removable by Defendants under the provisions of 28 U.S.C. §1441 in that:

- a. The matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs; and
- b. The matter in controversy is between citizens of different states.

14. The Notice of Removal was filed with this Court within thirty (30) days after receipt of the Complaint by Defendants K S Majha Trans, LLC and Sikandar Singh through Plaintiffs' improper service attempts, and after these Defendants had a good faith basis to assert that all requirements were satisfied.

15. As of the time of filing this Notice of Removal, there is no indication that Defendant Ritu Rani has been properly served.

16. Defendants, immediately upon the filing of this Notice of Removal, gave written notice of the filing as required by 28 U.S.C. §1446 (d) and filed a copy thereof with the Clerk of the Eight Judicial District Court, County of Taos, State of New Mexico, the Court from which this action is removed.

17. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11.

WHEREFORE, the Defendants K S Majha Trans, LLC and Sikandar Singh request that the above-entitled action be removed from the Eight Judicial District Court, County of Taos, State of New Mexico, to this United States District Court for the District of New Mexico.

Respectfully submitted,

YLAW, P.C.

/s/ Brett C. Eaton

S. Carolyn Ramos

Brett C. Eaton

4908 Alameda Blvd. N.E.

Albuquerque, NM 87113

(505) 266-3995

(505) 268-6694 (fax)

cramos@ylawfirm.com

beaton@ylawfirm.com

*Attorneys for Defendants K S. Majha Trans, LLC and
Sikandar Singh*

I HEREBY CERTIFY that on the 18th day of March, 2022 I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Dennis T. Sanchez

Attorneys for Plaintiffs

/s/ Brett C. Eaton

S. Carolyn Ramos

Brett C. Eaton